

Approved Minutes
Friend of the Court Bureau
Advisory Committee Annual Meeting
State Court Administrative Office - Lansing, MI
Thursday, January 8, 2004

MEMBERS PRESENT: Dr. Bill Brooks, Murray Davis, Patti Holden, Nadine Klein, Anthony Paruk, Fred Lebowitz and Gail Schneider-Negrinelli

MEMBERS ABSENT: Hon. Mabel Mayfield, Linda Cunningham, Mike Keeler and Lynn Bullard

STAFF PRESENT: Kelly Beeman, Bill Bartels, Tim Cole and Darla Brandon

1. CALL TO ORDER

The meeting was called to order by Dr. Brooks at 9:40 a.m.

2. ROUTINE BUSINESS

a. Approval of the October 9, 2003 Minutes

A motion was made by Mr. Paruk and seconded by Ms. Negrinelli to approve the Minutes as submitted. Amendment: Ms. Holden informed the Committee that in the Unfinished Business section, part b doesn't indicate who seconded the motion. **Motion passed.**

b. Public Comment

- Daniel Diebolt of Washtenaw County. Mr. Diebolt discussed the Washtenaw County's Citizen Advisory Committee's inactivity.
- Jim Semerad of Lake Orion discussed providing relief for military service personnel by expediting petition hearings regarding modification of child support and retroactivity with respect to a change of circumstance.

He requested that the appropriate procedure for handling this matter be placed in the next issue of the Pundit. He also commented about the Michigan Supreme Court's decision to not address the recommendations of the Committee, for example, supporting the 128 day rule cliff effect and the shared economic responsibility formula.

He further discussed the \$.25 fee and the purpose of it.

Committee Comments

Mr. Davis commented that although the procedures for expediting petition changes for reservists activated to active duty within the friend of the court structure, legislatively requires that a hearing must be held, he asks that if you cannot waive a hearing legally, then at least expedite it to the point of having the petition filed, such that when the hearing is held, then it is retroactive to the date of filing.

Ms. Holden commented that this is not just an issue with reservists, but is an issue with anybody that is a part of the system and should not be limited to reservists.

Mr. Davis stated that this is a category of citizens that are being ordered by our government to do something within twenty-four to forty-eight hours, whereas the average citizen in the friend of the court system is not under that duress or time window to take care of what they normally would be able to take care of. This makes the servicepersons different.

Mr. Paruk added, which branch of government is best designed to deal with issues of adjudicating matters and researching matters and coming up with policies which would be conducive to the betterment of the system and the people who are involved in the system. Chief Justice Maura Corrigan's letter proposed that the Legislative branch be involved in the Guideline review. Can the court system, legally, tell itself and friend of the court offices to have different procedures for different categories of people. This issue is designed more for the Legislative Branch.

Mr. Bartels stated that in a change of circumstances, the friend of the court only has a responsibility if a party requests a investigation. The friend of the court does not represent either party.

Dr. Brooks suggested that the Legislature would be the proper Branch to handle this issue.

Mr. Davis made a motion to apprising the friends of the court personnel via the Pundit of this particular meeting's discussion regarding the issues surrounding servicepersons. Mr. Lebowitz seconded the motion.

Discussion

The Friend of the Court Bureau publishes the Pundit. It is a quarterly newsletter sent to all IV-D agencies. It is posted on the State Court Administrative Office website. It entails pertinent issues and how they affect IV-D agencies.

Dr. Brooks asked if there was a motion on the floor to bring the debate to a close. **Motion passed unanimously.**

Vote on the original motion: The motion passed 3-2.

Amended motion: Dr. Brooks made a recommendation that regular notice be placed in the Pundit regarding the highlights of the Advisory Committee meetings to be written by a member of the Committee and edited by the SCAO office.

Discussion

Mr. Bartels suggested that the Committee would get more benefit out of putting something in the Pundit, as well as the office staff would benefit more from having the Committee in the report, if it is topic specific, for example the Child Custody Evaluators/Investigators Subcommittee that was informed, and what the topic is and welcome input from friend of the court staff.

The Committee was provided with a copy of the Pundit for review.

Motion passed. 3-2 with one abstention.

c. Correspondence

i. Jacqueline M. Allen . Ms. Allen discussed lack of support enforcement from her local FOC office. Ms. Beeman provided a response, suggesting she file a grievance with her local friend of the court. The Committee received a copy of the response.

d. Subcommittee Reports -

CAC Committee – Mr. Davis provided handouts regarding coming up with methods to improve the CAC county recruitment. The Committee will meet and provide a timeline to the Advisory Committee.

Child Custody Evaluators Committee – Dr. Brooks gave an update of the Subcommittee's goals and processes. This Subcommittee would like to survey as many of the counties in the state with respect to what they are currently doing, and what their experiences are in the area of custody evaluations. Specifically, are the custody evaluations in the counties being done internally via the caseworker investigators of the FOC or do they externalize that function. Specifically, what procedures are determined if a case is going to be performed by an external contract agency psychologist, or investigator.

e. Bureau Update

i. Formula Manual. Mr. Bartels informed the Committee that since the public comment period has ended, the Supreme Court is considering what changes to make. Generally, they are making the changes that were recommended regarding:

- Calculating child support before deducting alimony from income;
- Adding all the changes relating to deviation

- All of the medical support and healthcare obligation changes

Child Support Formula Subcommittee

The subcommittee is not active at this time.

Legislative Update

Ms. Beeman provided the Committee with an updated Bill package that was introduced in December. The current money judgment interest rate is 4.295%. The summary includes Bills that were introduced in December that are likely to receive a hearing.

3. UNFINISHED BUSINESS

a. 2004 Access and Visitation Grants

Mr. Cole provided the Committee with handouts about the grants that were awarded and how they were selected. There were 27 counties that applied for grant funding. 21 counties received grant funding. The funds are provided by the Federal Office of Child Support.

b. Grievance form

There is nothing new to report.

c. Washtenaw County Board of Commissioners videotape

Ms. Beeman reviewed the videotape produced by Dan Diebolt. The tape was of the Washtenaw County Board of Commissioners meeting. It discussed how SCAO was responsible for staffing the CACs. Mr. Ferry responded on this letter

d. Parenting time policies comparison

Ms. Beeman provided a handout comparing parenting time between various counties and SCAO's sample model FOC handbook. Parenting time policies vary county by county.

4. NEW BUSINESS

a. FOC Handbook comparison

There is nothing new to report on this item.

5. CLOSING

- #### a. Members Closing Comments
- Mr. Davis provided the Committee with his response to the Chief Justice decision with respect to the Child Support Formula Manual.

- b. Final Public Comment – Mr. Semerad thanked the Committee for having him and Dan Diebolt.
- c. Appreciation of Service
Mr. Mike Keeler has retired from Barry County Friend of the Court. Mr. Keeler served on the Advisory Committee as a friend of the court non-voting member. An appreciation of service plaque for serving on the Advisory Committee was mailed to him.
- d. Next Meeting Date – April 22, 2004
- e. Adjourn – Mr. Paruk made a motion to adjourn and Ms. Holden seconded the motion. **Motion passed unanimously.** The meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Darla Brandon
Friend of the Court Bureau